Applicant respectfully requests reconsideration of this application. Claims 1-5, 7, 8, 10-12, 14-17, 19-21, 23-28, and 30-35 are pending. Claims 30 and 32 have been amended. Claims 36-39 have been added. No claims have been cancelled. Therefore, claims 1-5, 7, 8, 10-12, 14-17, 19-21, 23-28, and 30-35 are now presented for examination.

Claim Rejection under 35 U.S.C. §102

Skret

The Examiner rejected claims 1, 3, 4, 20-21, 23, 25-28 and 30-32 under 35 U.S.C. 102(b) as being anticipated by U.S Patent 5,001,755 of Skret ("Skret").

Claim 1 reads as follows:

1.   A method comprising:
establishing secured communication between a client device and a server device, wherein communication is secured using, at least in part, a plurality of synchronized security sequence values;
storing a security sequence value from the plurality of synchronized security sequence values as a resynchronization value;
detecting at least one event desynchronizing said secured communication; and
requesting resynchronization of security sequence values, requesting resynchronization comprising sending at least a representation of said resynchronization value from said client device to said server device.

As stated before, Claim 1 includes "storing a security sequence value from the plurality of synchronized security sequence values as a resynchronization value", and "requesting resynchronization of security sequence values, requesting resynchronization comprising sending at least a representation of said resynchronization value from said client device to said server device".

It is again submitted that, among other differences, Skret does not teach or suggest these elements of the claim. In the current Office Action, the Examiner has responded to the arguments presented in the previous response. However, it is respectfully submitted that the Examiner is misreading the Skret reference. In particular, it is respectfully submitted that a key point of the Office Action is based on an element that is NOT actually present in the reference.

To clarify the issues and demonstrate the differences more clearly, the following relevant points are presented:

(1) Security Network – Skret does describe a security network for a system. In this particular system, there are certain nodes, with each node having separate encryption and decryption keys for every node with which it may communicate. The keys are generated by a pseudorandom generator that produces a new key for each transmission. (Skret, col. 2, lines 10-20) This is the basic operation involved in Skret.

(2) Resynchronization – Skret then indicates that a generator in a receiving mode is synchronized with a generator in a transmitting node. Skret further indicates that "[a] resynchronizing mechanism is also provided to align the pseudorandom number generators in the event synchronization is lost due to the loss of power or other reasons." (Skret, col. 2, lines 20-27) Thus, there is resynchronization mechanism.

(3) <u>Request for Resynchronization</u> – The next issue then is how a request for resynchronization is made, which is extremely important in the evaluation of this reference. Skret indicates that when a receiving node determines that it is out of sequence, such as in a power down and subsequent power up by a node, the node requests resynchronization. (Skret, col. 6, lines 7-13) This process is explained as follows:

> Thus, the request for resynchronization must be sent in clear text since the receiver's encrypted transmitter, which is separate, will most likely be out of synchronization as well from a power down.

(Skret, col. 6, lines 14-17) What Skret is saying is that request for resynchronization must be sent in clear text because the transmitter is likely out of synchronization. This provision says nothing more about that form of the request – it is simply <u>clear text</u>. <u>There is no other description of the contents of the request in Skret.</u>

(4) "<u>Resynchronization Number</u>" – For this, the Office Action then states that "The clear text is unencrypted resynchronization number value." <u>This is in error.</u> What Skret describes is a request for resynchronization in clear text. There is no reference in Skret to a "resynchronization number" in a request for resynchronization – this is simply not present in the reference, and there is no suggestion to this effect.

Skret indicates what does happen, and it is a different approach. In response to the request for resynchronization, "the current pseudorandom number (key) is encrypted using the starting pseudorandom number (key) and transmitted to the node which is out of synchronization. Thereafter, the pseudorandom number sequence picks up where it left off." (Skret, col. 6, lines 18-23) Thus, Skret is describing a system in which the <u>response</u> to a request is the current key encrypted by the original key. In Skret, a <u>request</u>

contains no synchronization information. The Office Action has thus reversed this process. In Skret, the encoded key is contained in the <u>response to the request</u>. This is an important distinction because Skret allows an agent to make a request and receive a response without providing anything other than a plain text request -- essentially "PLEASE RESYNCHRONIZE". Thus, the Skret reference and the claims are distinct, and a rejection under section 102 is impossible.

(5) <u>New Claims</u> – It is further noted that additional claims 36-39 have been added and contain additional elements that are not contained in the references. Such claims further illustrate the distinctions here. Claim 36 also provides for "receiving a response to the resynchronization request, the response including the resynchronization value". Pursuant to claim 37, the resynchronization value may be "contained in payload data of the response". In claim 38, the response "includes a second resynchronization value". Pursuant to claim 39, the method may further include "comprising resynchronizing the secured communication using the resynchronization value and the second resynchronization value". It is respectfully submitted that Skret, alone or in combination with any of the other cited references, does not contain these elements.

Claim Rejection under 35 U.S.C. §103

Skret in view of Trachewsky

The Examiner rejected claims 5, 7-8, 11-12, 14-17, 19, and 33-35 under 35 U.S.C. 103(a) as being unpatentable over Skret in view of U.S Patent Application Publication No. 2003/0206559 of Trachewsky, et al. ("Trachewsky").

The arguments previously presented are still relevant and are hereby resubmitted. It is submitted that the above arguments also apply to independent claims 5, 14, and 18.

It is respectfully submitted the Trachewsky does not contain the elements missing from Skret. For this reason, the references, alone or in combination, do not teach or suggest the elements of the claims.

The Office Action states "Trachewsky does teach establishing secured communication and the reference is relevant to establishing secured communication." In support of this statement, the Office action cites to the following paragraph of the reference:

> [0104] A communications network typically includes a group of nodes interconnected by a transmission medium. The term "node" relates to any device that shares frames of data with other nodes in the network. Devices that may make up a node are computers, printers, scanners, etc. A node may also be a telephone, a television, a set-top box for televisions, a camera or other electronic sensing or communication device. Any device that can send and/or receive frames of data with other devices via a communication medium may be a node for purposes of the present invention.

(Trachewsky, ¶ 0104) All that this cited paragraph indicates is that a communication network may contain nodes, and then provides an explanation regarding what a node might be. There is no mention of secured communication or synchronization of security sequences. This is unrelated to the elements of the claims. If the Office Action is suggesting that this reference is relevant, this would mean that any reference that discussed networks would be proper prior art for purposes of showing obviousness, which is clearly without basis in the law.

Trachewsky does concern synchronization. However, it's the wrong kind of synchronization and has nothing to do with the subject matter of the claims here. The

reference relates to timing and frame synchronization, and specifically to a method of determining the start of a transmitted frame. The method involves the use of multiple copies of a preamble sequence and the filtering of a received frame using filter coefficients that are matched to the preamble symbol sequence. The only connection between Trachewsky and the claims, or Skret, is the use of the word "synchronization".

Trachewsky is not properly combinable with other references for the purpose of establishing obviousness. In order to make a prima facie case of obviousness, it is necessary to for there to be a suggestion or motivation to combine reference teachings, either in the references themselves or in knowledge generally available to one of ordinary skill in the art. No such motivation is shown in the Office Action for the combination of this unrelated reference with the Skret reference, and the rejection thus is not proper under law.

Claim Rejection under 35 U.S.C. §103
Skret in view of Trachewsky, et al. and Dixon, et al,

The Examiner rejected claims 2, 10, and 25 under 35 U.S.C. 103(a) as being unpatentable over Skret in view of Trachewsky and in further view of U.S. Patent No. 6,697,857 of Dixon, et al. ("Dixon").

It is again respectfully that Dixon does not contain the elements missing from Skret and Trachewsky. For this reason, the references, alone or in combination, do not teach or suggest the elements of the claims.

The arguments previously presented are still relevant and are hereby resubmitted.

The Applicant is aware that the Examiner is citing to Dixon for anti-replay filtering. The point that is being made here is that Dixon is irrelevant to the subject

matter of the claims and is not prior art <u>in this action</u>. The fact that anti-replay filtering is known as a general concept is not relevant here. Again, Dixon concerns a different subject, and is not concerned in any with elements of storing of a resynchronization value or the transmission of the resynchronization value in the event of desynchronization.

Dixon is not properly combinable with other references for the purpose of establishing obviousness. In order to make a prima facie case of obviousness, it is necessary to for there to be a suggestion or motivation to combine reference teachings, either in the references themselves or in knowledge generally available to one of ordinary skill in the art. No such motivation is shown in the Office Action for the combination of this unrelated reference with the Skret or Trachewsky references, and the rejection thus is not proper under law.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (503) 439-8778 if there remains any issue with allowance of the case.

Request for an Extension of Time

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.
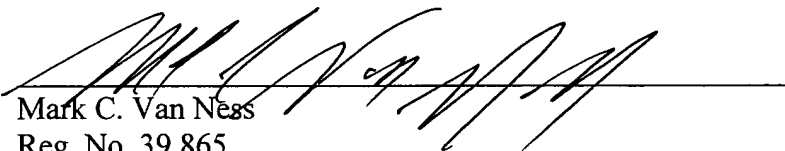
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 7/14/05

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